



A34614 (070050.1690)  
PATENT

#23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fisher *et al.*  
Serial No. : 09/515,363 Examiner : Loeb, B.  
Filed : February 29, 2000 Group Art Unit: 1636  
For : MELANOMA DIFFERENTIATION ASSOCIATED GENE-5  
AND PROMOTER AND USES THEREOF

**PETITION TO REVIVE APPLICATION  
PURSUANT TO 37 C.F.R. § 1.137(b)**

I hereby certify that this paper is being deposited on August 21, 2002 with the  
United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231

August 21, 2002  
Date of Deposit

Lisa B. Kole  
Attorney Name

*Lisa B. Kole*  
Signature

35,225  
PTO Registration No.

August 21, 2002  
Date of Signature

Assistant Commissioner for Patents  
BOX PETITION  
Washington, D.C. 20231

Sir:

Applicants respectfully petition to revive the above-identified patent application  
in accordance with the provisions of 37 U.S.C. §1.137(b) as the abandonment was  
unintentional, and enclose herewith the required response and fee, as discussed below.

08/28/2002 AWOMDAF1 00000108 09515363

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640.00 OP

NY02:402466.1

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AUG 29 2002

OFFICE OF PETITIONS

The present application became abandoned for inadvertent failure to respond to an Official Action mailed on February 20, 2002. Due to a docketing error made by Baker Botts, the August 20, 2002 deadline to respond to the Official Action was unintentionally passed. Having realized the error, Attorneys for Applicants promptly submit, herewith, the enclosed Amendment and Petition for a Three-Month Extension of Time. The entire delay in filing the Amendment in response to the Office Action from the due date of August 20, 2002 until the filing of a grantable petition pursuant to 37 U.S.C. §1.137 was unintentional. At no time did Applicants or attorneys for Applicants intend to abandon the above-captioned application.

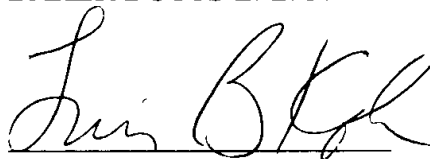
Accompanying this letter are: (1) an Amendment in reply to the Official Action dated February 20, 2002; (2) a Petition for a Three-Month Extension of Time to respond to the Office Action; (3) a check for \$1100.00 representing the \$460.00 fee for a requested three-month extension of time as set forth in 37 C.F.R. § 1.17(a)(3) for a small entity in compliance with 37 C.F.R. § 1.27(a) and the \$640.00 petition fee as set forth in 37 C.F.R. § 1.17(m) for a small entity in compliance with 37 C.F.R. § 1.27(a).

Applicants respectfully request that (i) this promptly filed petition to revive the above-captioned application in accordance with 37 U.S.C. §1.137(b) be granted, (ii) that this revived application be accorded the benefit of its filing date to be deemed pending as of August 20, 2002; and (iii) that the revived application be allowed to continue prosecution.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this page are enclosed.

Respectfully submitted,

BAKER BOTTS L. L. P.

A handwritten signature in cursive script, appearing to read "Lisa B. Kole", written over a horizontal line.

Lisa B. Kole  
Patent Office Reg. No. 35,225

Dated: August 21, 2002

Attorney for Applicants  
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